

John Coletta (JC 7522)
 Judith M. Saffer (JS 3161)
 Attorneys for Broadcast Music, Inc.
 320 West 57th Street
 New York, New York 10019
 (212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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 BROADCAST MUSIC, INC.; MICHAEL JOE)
 JACKSON d/b/a MIJAC MUSIC; SONY/ATV)
 SONGS LLC; THE BERNARD EDWARDS COMPANY,)
 L.L.C.; HIDDEN PUN MUSIC, INC.; HIP CITY)
 MUSIC INC.; HIRIAM HICKS and ELLIOT)
 STRAITE, a partnership d/b/a HIFROST)
 PUBLISHING; RONDOR MUSIC INTERNATIONAL,)
 INC. d/b/a IRVING MUSIC; EMI BLACKWOOD)
 MUSIC INC.; CAREERS-BMG MUSIC)
 PUBLISHING, INC. CHARLES EDWARD HUGO)
 d/b/a RAYNCHASER MUSIC; PHARRELL L.)
 WILLIAMS d/b/a WATERS OF NAZARETH)
 PUBLISHING; PLEASE GIMME MY PUBLISHING)
 INC.; UNICHAPPELL MUSIC, INC.; SONGS OF)
 UNIVERSAL, INC.,)

Plaintiffs,)

v.)

ASK 244, LLC d/b/a THE PLUMM and EUGENE)
 BOISSIERE, THOMAS FRAYNE, NOEL ASHMAN,)
 JASON KRYSTAL, STEPHANIE RUHLE HUBBARD,)
 and KRISTEN DICKEY, each individually,)

Defendants.)
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CIVIL ACTION NO.:

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has

jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff, Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately three million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other Plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Defendant Ask 244, LLC is a limited liability company organized and existing under the laws of the state of New York, which operates, maintains and controls an establishment known as The Plumm, located at 246 West 14th Street, New York, New York 10011 in this district (the "Establishment").

6. In connection with the operation of this business, Defendant Ask 244, LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

7. Defendant Ask 244, LLC has a direct financial interest in the Establishment.

8. Defendant Eugene Boissiere is a member of Defendant Ask 244, LLC with responsibility for the operation and management of that company and the Establishment.

9. Defendant Eugene Boissiere has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

10. Defendant Thomas Frayne is a member of Defendant Ask 244, LLC with responsibility for the operation and management of that company and the Establishment.

11. Defendant Thomas Frayne has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

12. Defendant Noel Ashman is a member of Defendant Ask 244, LLC with responsibility for the operation and management of that company and the Establishment.

13. Defendant Noel Ashman has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

14. Defendant Jason Krystal is a member of Defendant Ask 244, LLC with responsibility for the operation and management of that company and the Establishment.

15. Defendant Jason Krystal has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

16. Defendant Stephanie Ruhle Hubbard is a member of Defendant Ask 244, LLC with responsibility for the operation and

management of that company and the Establishment.

17. Defendant Stephanie Ruhle Hubbard has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

18. Defendant Kristen Dickey is a member of Defendant Ask 244, LLC with responsibility for the operation and management of that company and the Establishment.

19. Defendant Kristen Dickey has the right and ability to supervise the activities of Defendant Ask 244, LLC and a direct financial interest in that company and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

20. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 19.

21. Plaintiffs allege eight (8) claims of copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

22. Annexed as the Schedule and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the eight (8) claims of copyright infringement at

issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the establishment where the infringement occurred.

23. Each of the musical compositions identified on the Schedule, Line 2, were created by the persons named on Line 3 (all references to Lines are lines on the Schedule).

24. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

25. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical composition listed on Line 2.

26. On the dates listed on Line 7, Defendants performed

and/or caused the musical compositions identified on Line 2 to be publicly performed at the Establishment without a license or permission to do so. Thus, Defendants have committed copyright infringement.

27. The specific acts of copyright infringement alleged, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) That Plaintiffs have such other and further relief as is just and equitable.

Dated: April 11, 2007

By: 

John Coletta (JC 7522)
Judith M. Saffer (JS 3161)
Broadcast Music, Inc.
320 West 57th Street
New York, NY 10019
(212) 830-2590 telephone
(212) 397-0789 facsimile

Attorney for Plaintiffs

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson, d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	9/30/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	2
Line 2	Musical Composition	I'm Coming Out
Line 3	Writer(s)	Bernard Edwards; Nile Rodgers
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company, L.L.C.,
Line 5	Date(s) of Registration	8/4/80
Line 6	Registration No(s).	PA 75-954
Line 7	Date(s) of Infringement	9/30/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	3
Line 2	Musical Composition	I'm Too Sexy
Line 3	Writer(s)	Fred Fairbrass; Richard Fairbrass; Rob Manzoli
Line 4	Publisher Plaintiff(s)	Hidden Pun Music, Inc.
Line 5	Date(s) of Registration	12/23/91
Line 6	Registration No(s).	PA 550-414
Line 7	Date(s) of Infringement	9/30/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	4
Line 2	Musical Composition	Poison
Line 3	Writer(s)	Elliot T. Straite
Line 4	Publisher Plaintiff(s)	Hip City Music Inc.; Hiram Hicks and Elliot Straite, a partnership d/b/a Hifrost Publishing
Line 5	Date(s) of Registration	8/14/89 3/19/90 6/7/90
Line 6	Registration No(s).	PAu 1-264-846 PAu 1-410-225 PA 475-115
Line 7	Date(s) of Infringement	10/1/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	5
Line 2	Musical Composition	Respect
Line 3	Writer(s)	Otis Redding
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	1/4/93
Line 6	Registration No(s).	RE 608-238
Line 7	Date(s) of Infringement	10/1/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	6
Line 2	Musical Composition	Milkshake
Line 3	Writer(s)	Pharrell Williams; Chad Hugo
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.; Careers-BMG Music Publishing, Inc.; Charles Edward Hugo, an individual d/b/a Raynchaser Music; Pharrell L. Williams, an individual d/b/a Waters of Nazareth Publishing
Line 5	Date(s) of Registration	1/30/04 1/6/04
Line 6	Registration No(s).	PA 1-158-583 PA 1-158-349
Line 7	Date(s) of Infringement	10/1/06
Line 8	Place of Infringement	The Plumm

Line 1	Claim No.	7
Line 2	Musical Composition	Goldigger a/k/a Gold Digger
Line 3	Writer(s)	Kanye Omari West; Ray Charles; Renalds Richard
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.; Please Gimme My Publishing Inc.; Unichappell Music, Inc.
Line 5	Date(s) of Registration	9/21/05
Line 6	Registration No(s).	PA 1-162-405
Line 7	Date(s) of Infringement	9/30/06 10/1/06
Line 8	Place of Infringement	The Plumm

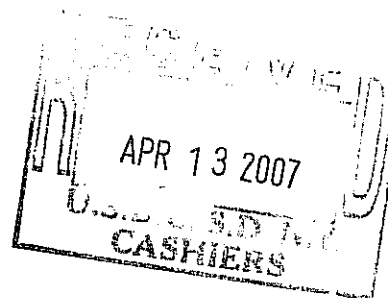
Line 1	Claim No.	8
Line 2	Musical Composition	Children's Story
Line 3	Writer(s)	Ricky Walters
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	12/26/89
Line 6	Registration No(s).	PA 449-656
Line 7	Date(s) of Infringement	10/1/06
Line 8	Place of Infringement	The Plumm

JUDGE BUCHWALD**07 CV****2967**

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)
)

Defendants.

RULE 7.1 CERTIFICATION

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Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Broadcast Music, Inc. (a private non-

governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party which are publicly held.

Plaintiff

Parent

Careers-BMG Music Inc.	BMG Music
EMI Blackwood Music Inc.	Screen Gems-EMI Music Inc.
Irving Music	Rondor Music International Inc.
Songs Of Universal, Inc.	Vivendi Universal Entertainment LLLP
Sony/ATV Songs LLC	Sony Corporation of America

Dated: April 11, 2007
New York, New York

BROADCAST MUSIC, INC.

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